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TALKING POINTS ON LAOS

I Thee's Behavior

Over the past several months Ambassador Unger has reported many instances where the Polish Commissioner has deliberately obstructed the work of the Commission, e.g., delaying Commission actions on the pretext of sending home for instructions when he obviously had no need for instructions, and insisting on balancing each of Bridle's requests for investigations with one of his own without paying any serious attention to the merits of the investigations he was requesting.

Latest example of Thee's unhelpful attitude was his behavior in connection with the PL attack on the ICC helicopters May 3. Even before hearing the evidence he challenged eyewitness reports that the attackers were PL and glibly tried to place the blame on the non-communist forces which were no where near the scene. Indeed, he treated the whole incident in a very undignified manner and went to the extent of putting on an act of posing for photographs before the damaged helicopters while others in the party were engaged in removing the body of a Frenchman killed earlier by PL mine.

II Polish Violation

The Polish violation was Thee's refusal to abide by a decision of the Commission and to provide Polish representation on the ICC inspection team which was sent to the PDJ.

The Commission had a clear right to take the action it did on majority basis. The pertinent provision of the Agreements is found in Art. 14 of the Protocol which in specific reference to voting procedures states, "On other questions, including procedural questions and also questions relating to the initiation and carrying out of investigations (Art. 15) decisions of the Commission shall be adopted by majority vote." Establishment of ICC team at Kong Le's headquarters in the PDJ is in accordance with the duties of the ICC to report immediately to the Co-Chairmen violations or threats

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of violations to the Protocol and "any other important information which may assist the Co-Chairmen in carrying out their functions" (Art. 8). The ICC, of course, also has a function in respect to the cease-fire. How the ICC carries out these functions is a "procedural question" and, therefore, the majority provision applies.

The Polish Commissioner is required to abide by such a majority decision and to cooperate by providing representatives for the team. The pertinent portion is found in Art. 14 which states, "The members of the Commission will work harmoniously and in cooperation with each other with the aim of solving all questions within the terms of reference of the Commission" and in Art. 16 which states in part, "Each member state of the Commission shall ensure the presence of its member or representatives both on the Commission and on the inspection teams and shall promptly replace them in the event of their being unable to perform their duties." Thus, the Pole by refusing to send a representative with the team to the PDJ is in clear violation of his responsibilities as Commission member and this, in fact, constitutes a violation by Poland as party to the Agreements.

III Soviet Position on Polish Actions

The Soviet position as given to Trevelyan by Lapin is essentially based on the contention that the ICC could not take the action to go to the PDJ since that would have constituted interference in the internal affairs of Laos. The team would have no function under the Agreements since its presence was only to serve as a calming factor which was clearly implied by Souvanna when he requested its presence. Hence, the Soviets have labled the Canadian-Indian team a "foreign goodwill mission" and not an ICC mission. Moreover, Souphanouvong did not give his permission.

Counter-arguments are:

1. RLG did request mission through Souvanna (Souphanouvong later withdrew his permission which he had given in the presence of the Soviet and British ambassadors, but Souvanna went ahead anyway).

2.

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2. ICC has reporting responsibilities under Art. 8 to inform the Co-Chairmen of violations or threats of violations of the Protocol, and also any other important information which may assist the Co-Chairmen in carrying out their functions.

3. Commission under Art. 9 has function of supervision and control of cease-fire in Laos.

4. Suggest that you refer to Khrushchev's remark to you that sending the ICC to the PDJ most practical thing to do.

DEPARTMENT OF STATE A/CDC/MR
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